

**Town of La Pointe Zoning
Town Plan Commission Public Hearing
July 20, 2011**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Suellen Soucek, Greg Thury, Carey Baxter, Ron Madich (7).

Town Plan Commission Members Absent: none.

Public Present: Glenn Carlson, Michael Childers, Dick Hoffman, Sally Hoffman, Steve McHugh, Bob Kron, Barb Harding, Doug Harding, Mike Starck, Charlie Meech, Paul Brummer, Elaine Nelson, Jim Rogers, John Soucek, Birdie Pallas, Reva Pallas, Evan Erickson, Pete Rogers, Jim Patterson, Gary Russell, E. A. Michael, Todd Carlson, Kate Bortell, Julie Schmitt, Gary Flores, Lois Carlson, Kitty Herriott, Joyce Rian, Dawn Michael, Jane Weir, Henry Harmon, Tom George, Sheila Weir, Laurie Whiteford Richards (34, sign-up sheets attached to these minutes).

Town Staff Members Present: Jennifer Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

Chair Pallas called the Public Hearing to order at 5:00 PM at the La Pointe Elementary Gymnasium. Roll call reflected members present or absent as recorded above.

II. Confirm Posting & Publishing

J. Croonborg-Murphy the dates of posting, publishing and mailing. The records and affidavits are on file for public viewing.

III. Zoning Ordinance Revision Project

A. SECTION 1 INTRODUCTION

1.1 Authority and Purpose: Amend language

B. SECTION 2 DEFINITIONS:

Add and delete several definitions, amend several existing definitions

C. SECTION 3 ZONING DISTRICTS:

Establishment of new zoning districts for compliance with Comprehensive Plan. Add, Delete and Amend permitted and conditional uses in all existing zoning districts.

D. SECTION 4 GENERAL PROVISIONS

4.2 Standard District Requirements: Amend language regarding Yard Requirements, Height Exceptions, Lot Sizes, Accessory Uses and Structures, Drainage/Sanitation/Water Supply. Delete requirements regarding Development in Areas with Poor Soils. Add sections regarding Parcels in Multiple Zoning Districts, Minor Accessory Structures, Construction Site Maintenance and Erosion Control.

4.3 Supplementary Regulation: Amend language regarding Off-Street Parking Regulations, Nonconforming Lots of Record, Camping on Private Lands

4.4 Shoreland Regulations: Amend language regarding Setbacks, Removal of Shoreline Cover, Commercial Forestry, Filling/Grading/Ditching/Lagooning.

4.5 Floodplain Regulations: Amend language

E. SECTION 5 SIGNS:

5.1 through 5.4: Amend language regarding signs

F. SECTION 6 REGULATION OF SPECIAL USES

6.1 through 6.10 General Provisions: Amend language regarding Quarries (Gravel Pits) and Mines, Junk/Salvage Yards, Planned Unit Residential Developments, Travel Trailer Parks/Campgrounds, Rental of Single Family Dwellings, Light Industrial Zone, Use of Residential Dwellings for Occupational Businesses, and Mobile Home Park. Add sections regarding Boarding/Rooming Houses, Bed & Breakfasts,

Dormitories, Tourist Rooms, Accessory Dwellings (Guest Houses), Rental of Accessory Dwellings (Guest Houses), and Sexually-Oriented Businesses.

G. SECTION 7 CONDITIONAL USES:

7.1 through 7.2: Amend language regarding the process of Conditional Use Permit Application procedure and appeal.

H. SECTION 8 ADMINISTRATION:

8.1 Zoning Administrator: Amend language regarding the Duties, Power and Authority of Zoning Administrator.

8.2 Sanitary Agent: Amend language

8.3 Land Use Permits: Amend language regarding Permits Required, Application Procedure, Expiration.

8.4 Permit Process: Amend language

8.5 Enforcement: Amend language

8.6 Written Orders: Amend language

8.8 Nuisance: Amend language

8.9 Unlawful Building or Structure: Amend language

I. SECTION 9 NONCONFORMING USES:

9.1: Delete existing Section 9.1. Reformat to add sections regarding Nonconforming Uses, Nonconforming Structures as it pertains to non-shoreline nonconformities, and Nonconforming Structures as it pertains to shoreline setback.

J. SECTION 10 ZONING BOARD OF APPEALS

10.2 Rules: Amend language to add By-Law requirements and authorize the BOA to hear Conditional Use Permit Appeals.

K. SECTION 11 AMENDMENTS

11.1 Procedure: Delete existing language and add detailed language for the process of amending the text and/or map of Zoning Ordinance.

L. SECTION 12 PUBLIC HEARINGS

Section 12 Notice: Amend language

M. SECTION 13 TOWN PLAN COMMISSION

13.1 Establishment: Amend language

13.2 Compliance: Amend language

13.3 Membership: Amend language

13.4 Organization: Amend language

13.5 Powers: Amend language

13.6 Applications: Amend language

13.8 Hearings: Amend language

N. SECTION 15 COMPLAINTS

15.1: Amend language to create separate procedures regarding Land Use Permit Complaints (or lack thereof) and Conditional Use Permit Complaints.

O. SECTION 16 APPENDICES: New Section

16.1 Zoning Schedules-Dimensional Requirements: Amend Schedule to include new Zoning Districts and amend existing setbacks

16.2 Lot Width for Irregular Shaped Lots: New Section

16.3 Zoning District Use Matrix: New Section. Visual table to coincide with Section 3 Permitted and Conditional Uses

16.4 Lots in Multiple Zoning Districts: New Section. Visual aid to coincide with new Section 4.2(F).

P. SECTION 17 ZONING MAP : New Section

Amend Official Zoning Map of the Town of La Pointe for consistency with the Zoning Districts and Uses listed in Comprehensive Plan of the Town of La Pointe Future Land Use Map as well as rezone established nonconforming uses to make them conforming.

Members of the public attending the Public Hearing read aloud, and comment further upon, letters they have submitted. These letters are attached to these minutes and are a permanent part of the record.

Mike Starck letter dated July 19, 2011 with Dick Hoffman letter dated July 20, 2011 attached. He points out six grammatical/continuity items he feels are in error. He further asks what the process going forward will be on the Zoning Ordinance Revision Project.

J. Croonborg-Murphy responds that the Town Plan Commission will make any necessary changes to the Zoning Ordinance and ask attorney opinion as to whether those changes will necessitate another Public Hearing cycle. If not, the draft will be submitted to the Town Board. The Town Board can then either approve the draft as submitted, approve it with corrections, or return the draft to the Town Plan Commission if necessary corrections are significant. The public can always submit comment to the Town Board.

Pete Rogers letter dated July 18, 2011. He feels that the Town Board should be the governing body that makes the final decision on Conditional Use Permits and on Complaints. He further suggests that an additional step should be added to the Conditional Use Permit process: the property owner and the Town Plan Commission should have an informal meeting with the Town Plan Commission to be able to discuss the details of the property prior to the Town Plan Commission interpreting a Conditional Use Permit application.

Dick Hoffman letter dated July 20, 2011. He points out 22 items he feels are in error. In addition, he feels that the Town Board should be the governing body that makes the final decision on Conditional Use Permits and on Complaints.

Michael Childers letter dated July 20, 2011. He thanks the Town Plan Commission for their work. He is not in favor of the Town Plan Commission interpreting and making the final decision on Conditional Use Permits. He further states that he feels that *“personality politics” [have] become so entwined with our zoning process, that ordinance changes are designed to corral individuals or other entities that are perceived to be “bad actors” who continually challenge the envelope of existing zoning. Such a focus on prevention might be leading to zoning ordinances that target perceived problems, rather than establish zoning policies consistent with sound public policy.”*

Gary Russell thanks the Town Plan Commission for the work done on the Zoning Ordinance Revision Project. He states that he agrees with Michael Childers’ points and thinks that the Town Board should have a voice in the decisions on Conditional Use Permits and on Complaints.

Steve McHugh reads aloud the statement of a petition for which he has gathered 50 signatures. It reads as follows: *“We the undersigned business owners, employees, and concerned citizens of Madeline Island request the Town Plan Commission reconsider it’s proposed rules concerning temporary signage (sandwich boards) for businesses. That temporary signage be allowed during business hours with a size appropriate to location, and allow positioning signs off the business location (with property owners’ permission) for special events.”*

Sally Hoffman states that, as a volunteer at Woods Hall Craft Shop, she feels more signage needs to be allowed for downtown businesses.

Jim Patterson points out that Section 11.9.A requires $\frac{3}{4}$ of the Town Board to vote favorably on an amendment to the Ordinance, but that as there are only five Town Board members, that figure should be $\frac{3}{5}$, or a majority.

Bob Kron states that Section 1.1, Authority and Purpose, should include the protection of private property/owners’ rights, and economic health.

Charlie Meech letter dated July 20, 2011. He recaps his letter submitted for the December 2010 Public Hearings and the Madeline Island School of the Arts (MISA) Conditional Use Permit. He states that MISA is opposed to the re-designation of some of their buildings from “seasonal and recreational facilities” to “dormitories” and from a permitted to a conditional use in W-2. He believes that the *“effect of this is to block the completion of our project because the change overrides the Town’s Conditional Use process.”*

Evan Erickson states that “dormitories” and “mobile home parks” should be eliminated from the draft. He also asks that the size of tool sheds not required to meet setbacks be specified. He wants to see the Commercial district extended up Big Bay Rd in town to Rice St.

Paul Brummer points out that the Town Board can apply for Conditional Use Permits, and so thinks it unwise that they decide on their own permit applications.

Dick Hoffman suggests adding Property Rights to the definitions.

Bob Kron states that “Bundle of Rights” should be added to the definitions and to Section 1.1.

The Town Plan Commission reads aloud all letters and emails submitted by the public for this Public Hearing. The letters and emails are attached to these minutes and are a permanent part of the record.

Norman Castle letter received July 18, 2011 (read by J. Croonborg-Murphy)
Pat and Doug Spaulding letter dated July 16, 2011 (read by R. Madich)
Ann and Chuck Irvine letter dated July 18, 2011 (read by R. Madich)
Tom George letter dated July 15, 2011 (read by G. Thury)
Marjorie and Myron Smith letter dated July 18, 2011 (read by G. Thury)
Annie Ferguson letter dated July 17, 2011 (read by G. Thury)
Madelaine Karwoski letter received July 19, 2011 (read by G. Thury)
Doug and Barb Harding letter dated July 19, 2011 (read by G. Thury)
Thomas Morin letter dated July 17, 2011 (read by L. Whalen)
Polly O’Brien letter dated July 18, 2011 (read by C. Brummer)
Linda Mack letter dated July 18, 2011 (read by C. Brummer)

Chair Pallas states that all comments and correspondence will be taken into consideration by the Town Plan Commission.

IV. Adjournment

G. Thury moves to adjourn. C. Baxter seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 6:27 pm.

Town Plan Commission draft minutes are respectfully submitted by Margaretta Kusch on Saturday, July 23, 2011.

Town Plan Commission minutes approved as amended by Margaretta Kusch, ZCA on Wednesday, July 27, 2011.